

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VIRGINIA M. DAMON TRUST,

Plaintiff,

Case No. 2:03-CV-135

v

Hon. Gordon J. Quist

NORTH COUNTRY FINANCIAL CORPORATION,

Nominal Defendant,

and

RONALD G. FORD, SHERRY L. LITTLEJOHN,
and WESLEY HOFFMAN,

Defendants.

ORDER GRANTING MOTION TO COMPEL IN PART

Pending before the court is Defendant Ronald G. Ford's Motion to Compel Discovery (docket no. 256). Defendant Ford brought the motion because he was not satisfied he had received all documents demonstrating certain stock ownership by the Virginia M. Damon Trust. Although plaintiff believes it has furnished all documents in its possession, care, custody or control, it has managed to produce a few additional documents since the motion was brought. Clearly plaintiff cannot produce what it does not have, or have under its control, but defendant is entitled to review all those documents which do exist. Defendant hopes to use these documents, or lack thereof, to support a potential motion to dismiss.

Plaintiff is due to be deposed on August 13, 2007. For the reasons more fully stated on the record at the hearing held this date, plaintiff shall have until the commencement of that

deposition to produce all documents within its possession, care, custody or control responsive to the discovery requests. This will afford defendant an opportunity to depose the plaintiff on the documents. Any documents not produced by this date shall not be admissible on behalf of plaintiff in further proceedings in this matter, absent an order of the court.

IT IS SO ORDERED.

Dated: July 31, 2007

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge